

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Docket No. 1:04-CR-10194-RCL

UNITED STATES of AMERICA,

v.

FRANCIS MUOLO, Anthony
Bucci and David Jordan,
Defendants.

DEFENDANT'S AFFIDAVIT IN SUPPORT
OF MOTION TO SUPPRESS EVIDENCE

Affiant, Francis A. Muolo, being sworn according to law, deposes and says as follows:

1. At about 4:30 PM on May 18, 2004, approximately eight agents (among them Mercer, O'Neil, Tully) approached me in front of 56 Hancock Street in Stoneham. I was alone and the agents were in their automobiles. Three were in a GMC sport utility. Another had a Ford and there were two cars.
2. The Sport Utility pulled up first. The agents flashed their badges and asked "Are you Francis?" I said I was and asked what they wanted. They asked "Do you know what we're here for?" I answered that I thought it was about certain information I knew concerning terrorists. I went up to them and they said "it will only be a few minutes". I asked to change my clothes (dirty from work) and they said not to worry, that it was the government's car. They took me from there a distance of about two miles to a hockey rink on the Stoneham-

Medford line. They pulled in the back of the rink. On the way I noticed the other cars were following us. We all got out of the car and there as many as eight agents surrounding me. I had my back against the wall of the hockey rink.

3. The tone changed suddenly and I was intimidated. The officers started telling me I knew what I was there for. I was not advised of my Miranda rights. Agents started rattling me with questions about Christmas Eve 2003. They were "in my face" and making fun of my scar and saying I had had a lobotomy. They kept insisting I give them information about John Minotti. My back was literally against the rink. I did not feel free to leave and I physically could not have left. They shouted at me repeatedly as they asked questions and I answered.

4. On the way back to my home, we stopped at an MDC garage near the Stoneham Zoo. I was alone with the agents and they continued to have complete control over me. They asked me to make a call to Jon Minotti who was not in.

5. On May 20, 2004, Troopers Cepero and Hanley arrived at my parents' home in Stoneham to pick me up for questioning. I was brought to an office in Boston to be questioned about what I had said two days before. I was taken to a room and the door was closed with agents outside. Agent Tully and Trooper O'Neil were angry at me and yelled that I had spoken to my son about the questioning and that the school would know. They then started calling me a liar and challenged me about my statements of May 18. I still had had no Miranda warnings. The agents left and then I sat down with Trooper Cepero and signed a *Miranda* form. It was then that Trooper Cepero offered to wait for further

interrogation until I got a lawyer. Trooper Cepero said, however, he assured me that he knew I had a "minor role" in the situation. I was then asked to explain my earlier statements. I was arrested after making a statement.

Now on this 6th day of May, 2005, I, Francis A. Muolo, declare under penalty of perjury pursuant to 28 USC sec. 1746 that the foregoing is true and correct.

/s/Francis A. Muolo

Francis A. Muolo